

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ERIKA EBERHARDINGER,	:	NO.: 1:16-CV-02481-CCC
	:	
Plaintiff	:	
vs.	:	JURY TRIAL DEMANDED
	:	
BENJAMIN SMITH and	:	
MATTHEW FOSTER	:	The Honorable Christopher C. Conner
	:	
Defendants.	:	

**DEFENDANT BENJAMIN SMITH’S MEMORANDUM OF LAW IN
OPPOSITION TO PLAINTIFF’S MOTION IN LIMINE TO PRECLUDE
ADMISSION OF EXPERTS**

I. PRELIMINARY STATEMENT

Plaintiff erroneously states that no expert reports have been provided to Plaintiff by Officer Smith. On March 2, 2018 at 12:34 p.m., Mark Kennedy, paralegal Officer Smith’s attorney in this case, emailed the expert report and curriculum vitae of certified law enforcement expert Joseph J. Stine to the following counsel of record: Joshua Goldberg for Plaintiff, Karl Stefan for State Farm Mutual Automobile Insurance Company, John Stengel for Defendant Foster. Rachael, who is with Plaintiff’s counsel’s office, was included in the email. (A true and correct copy of the email is attached as Exhibit “A”).

On September 10, 2019, the undersigned spoke with John Stengel, attorney for Defendant Foster, and he confirmed receipt of the aforementioned email.

II. ARGUMENT

A. The Expert Report of Joseph J. Stine was produced timely.

The Court's Order of October 31, 2017 sets forth a deadline of March 2, 2018 for defendants' expert report(s). (Doc. 54) As evidenced herein, Mr. Stine's expert report was in fact produced on March 2, 2018. Therefore, Defendant Smith complied with the Court's Order and Plaintiff's arguments are without merit. Having complied with the Court's Order, Defendant Smith is entitled to call Mr. Stine at the trial of this matter.

III. CONCLUSION

Officer Smith respectfully requests that this Honorable Court deny Plaintiff's motion in limine in its entirety.

Respectfully submitted,

WILLIAM J. FERREN & ASSOCIATES

BY: /s/ Leticia J. Santiago

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